

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 730

BY: HOOPER

AS INTRODUCED

AN ACT RELATING TO CHILD CUSTODY; AMENDING 10 O.S.

1991, SECTION 1135.1, WHICH RELATES TO CARE AND  
PLACEMENT OF A CHILD IN NEED OF TREATMENT;  
REQUIRING THE DEPARTMENT OF HUMAN SERVICES TO  
CONDUCT CRIMINAL ARREST CHECKS ON ALL FOSTER  
PARENTS AND ALL FOSTER PARENT APPLICANTS; PROVIDING  
FOR THE DEPARTMENT TO REQUEST CRIMINAL ARREST  
CHECKS THROUGH THE OKLAHOMA STATE BUREAU OF  
INVESTIGATION; REQUIRING DEPARTMENT TO PROVIDE  
CERTAIN INFORMATION; REQUIRING DEPARTMENT TO PAY  
CERTAIN FEE FOR EACH CRIMINAL ARREST CHECK; AND  
PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 10 O.S. 1991, Section 1135.1, is amended to read as follows:

Section 1135.1 A. The Department of Human Services may provide for the care of a child adjudicated to be a child in need of treatment who is in the custody of the Department in:

1. ~~in the~~ The home of the child~~;~~;
2. ~~the~~ The home of a relative of the child~~;~~;
3. ~~a~~ A foster home~~;~~;

4. a A group home~~;~~i

5. a A transitional living program~~;~~i

6. an An independent living program; or ~~in any~~

7. Any other community-based child care facility under the jurisdiction or licensure of the Department appropriate for the care of the child.

B. 1. The Department shall provide for a criminal conviction check to be made on any individual in whose home such child is placed.

2. The Department shall request the Oklahoma State Bureau of Investigation to conduct a criminal conviction check on the individual and shall provide to the Bureau any relevant information required by the Bureau to conduct the check.

3. The Department shall pay a fee of Ten Dollars (\$10.00) to the Bureau for each such criminal conviction check pursuant to such a request.

C. and The Department shall provide for the outpatient care and treatment of the a child; or adjudicated to be a child in need of treatment who is in the custody of the Department.

~~2. the~~ D. The Department may place a child in need of treatment and found by a court to be eligible to receive inpatient care and treatment as provided in Section 1116 of this title in a Department-operated treatment center or other public or private mental health facility. The Department may place such child with the Department of Mental Health and Substance Abuse Services upon the consent of the Commissioner of Mental Health and Substance Abuse Services or his designee. The Department shall establish a system for the regular review by a qualified mental health professional, at intervals of not more than sixty (60) days, of the case of each child in need of treatment in the custody of the Department and receiving inpatient care and treatment to determine whether or not continued inpatient treatment is required and appropriate for the

child. When such child no longer requires inpatient care and treatment in a mental health treatment facility, the Department shall place the child as provided in paragraph 1 of this subsection.

~~B.~~ E. In providing for the outpatient care and the treatment of children in its custody who have been adjudicated in need of treatment, the Department of Human Services shall utilize to the maximum extent possible and appropriate the services available through:

1. ~~the~~ The guidance centers operated by the State Department of Health; and

2. ~~the~~ The Department of Mental Health and Substance Abuse Services; and

3. ~~community-based~~ Community-based private nonprofit agencies and organizations.

~~C.~~ F. Nothing in this section shall be interpreted to require the Department to place a child found by a court to be eligible for inpatient mental health treatment in a mental health facility when the Department determines that such placement is inappropriate or unnecessary for the treatment needs of the child.

SECTION 2. This act shall become effective September 1, 1992.

43-2-1942

CJ